

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 AUG 18 AM 11:59

UNITED STATES OF AMERICA,

Plaintiff,

v.

Sharleen Kay GROSS,

Defendant(s)

Magistrate Case No.

'08 MJ 2549

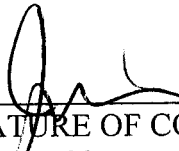
COMPLAINT FOR VIOLATION OF: DEPUTY

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Transportation of Illegal
Aliens

The undersigned complainant, being duly sworn, states:

On or about **August 16, 2008**, within the Southern District of California, defendant **Sharleen Kay GROSS** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Martin VAZQUEZ-Alvarez, Freddy Fender MONTES-Jimenez, and Alejandro ANAYA-Moreno** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 James Trombley
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 18th DAY OF AUGUST,
2008


 Barbara L. Major
 UNITED STATES MAGISTRATE JUDGE

DoA
 8/16/08
 9928

Sharleen Kay GROSS

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Martin VAZQUEZ-Alvarez, Freddy Fender MONTES-Jimenez, and Alejandro ANAYA-Moreno** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On August 16, 2008 Senior Patrol Agent Jesus M. Montiel was assigned to traffic check duties at the State Route 94 Border Patrol checkpoint in Jamul, California. All signs, lights and cones were up and fully operational. At approximately 2:20 PM, Agent Montiel was working in the primary inspection position when a white Ford Taurus bearing a California license approached the inspection area. When approaching the checkpoint, Agent Montiel noticed that the vehicle was weighted down in the trunk area. Agent Montiel identified himself as a Border Patrol Agent and questioned the driver as to her citizenship. The driver, later identified as defendant **Sharleen Kay GROSS**, stated that she was a citizen of the United States. Agent Montiel then asked the passenger about her citizenship. She stated that she was also a citizen of the United States. During questioning at primary inspection the occupants of the vehicle appeared to be very nervous and evasive to Agent Montiel's questions. Agent Montiel asked the driver to proceed to the secondary inspection area.

At secondary inspection, Agent Montiel once again questioned the driver about her citizenship and she stated that she was a U.S. citizen. Agent Montiel asked GROSS if she would consent to an inspection of the trunk of the vehicle. GROSS stated that she did not how to open the trunk. Agent Montiel again asked for consent to open the trunk and she freely agreed. Upon opening the trunk Agent Montiel found three adult males inside of the trunk. Agent Montiel observed the three individuals to be very hot and sweaty. Their clothing also appeared to be covered with dirt and grass.

Agent Montiel instructed the individuals to exit the trunk of the vehicle for further questioning. Once outside of the vehicle Agent Montiel questioned the three subjects as to their citizenship. Each individual freely admitted to being citizens and nationals of Mexico without any immigration documents that would allow them to be in or remain in the United States legally. GROSS was placed under arrest and escorted into The Border Patrol State Route 94 Checkpoint for further processing.

DEFENDANT STATEMENT:

GROSS was given her Miranda rights and stated that she understood those rights and wished to speak without an attorney being present. GROSS initially denied having knowledge about the smuggled aliens in the trunk. She then gave the following statement. GROSS, admitted that she was not telling the truth.

Sharleen Kay GROSS stated on August 16, 2008 her boyfriend brought a vehicle to his house for her friend to drive. Her friend was the passenger in the load vehicle that was stopped at the State Route 94 Border Patrol checkpoint with three undocumented aliens in the trunk. GROSS stated that individuals from Mexico purchased the vehicle to be used to smuggle aliens through the checkpoint. GROSS further stated that she found out that the aliens who would be transported had crossed the International Boundary between the United States and Mexico.

GROSS states that an individual by the name of Jonathan drove the Ford Taurus to the location where the aliens would be loaded into the trunk. He then got out and opened the trunk of the vehicle and ordered the aliens to get inside. GROSS states that she did not see anyone get into the trunk of the vehicle, but that she could feel them getting into the trunk. She admits that she knew the individuals being placed in the trunk of the vehicle were illegal aliens. Once the illegal aliens were in the trunk, GROSS then states that she moved from the passenger seat of the vehicle to the driver's seat. GROSS admits that she was aware that the vehicle was to be used to smuggle the aliens and that she is employed by Jonathan.

After the aliens were in the trunk of the vehicle, GROSS stated that she was to travel westbound towards the State Route 94 checkpoint. Once through the checkpoint, GROSS said that she was instructed to contact Jonathan via cellular phone and he would advise her where to drop off the illegal aliens. GROSS said that she was transporting illegal aliens for monetary gain but she was not aware of the amount of money she was to be paid for her activities.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Martin VAZQUEZ-Alvarez, Freddy Fender MONTES-Jimenez and Alejandro ANAYA-Moreno** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally. The material witnesses stated that they were to pay approximately \$1800.00 to be smuggled into the United States. Material witnesses VAZQUEZ, MONTEZ and ANAYA were shown a photographic line up and were able to identify defendant **Sharleen Kay GROSS** as the driver of the vehicle.